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EXAMINER

MOORE, JAMES K

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/755,947

Applicant(s)

BHATIA ET AL.

Examiner

James K Moore

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.\

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is indefinite because it depends on itself. For purposes of examination, the examiner has assumed that the claim depends on claim 17.

Claim 25 recites the limitation "said second network node". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 4-6, 8, 10, 11, 14, 16-22, and 24-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Haumont et al. (WO 00/01172).

Regarding claims 1 and 10, Haumont discloses an apparatus for facilitating information exchange between a telecommunications network serving a wireless communications device (MS 1) and an information service provider (5). The apparatus comprises a receiver (BSS 2) that receives realtime information (network information) associated with the wireless communications device from a network node associated with the telecommunications network, and providing means (7) for providing the received realtime information to the information service provider, causing the information service provider to provide a service to a subscriber associated with the wireless communications service. See page 2, lines 3-20; page 4, lines 22-31; page 5, lines 6-22; and page 7, lines 1-7.

Regarding claims 2 and 11, Haumont discloses all of the limitations of claims 1 and 10, and also discloses that the apparatus comprises a filter for filtering the received realtime information, and that the filtered received realtime information (the certain network information) is provided to the information service provider. See page 7, lines 1-7.

Regarding claim 4, Haumont discloses all of the limitations of claim 1, and also discloses that the realtime information comprises location information associated with the wireless communications device. See page 5, lines 6-13.

Regarding claim 5, Haumont discloses all of the limitations of claim 1, and also discloses that the realtime information comprises an ON/OFF status indication (operating state indicating whether the mobile station is reachable) for the wireless communications device. See page 5, lines 6-13.

Regarding claim 6, Haumont discloses all of the limitations of claim 1, and also discloses that information related to the received realtime information is updated in a database. See page 7, lines 1-7.

Regarding claim 14, Haumont discloses all of the limitations of claim 10, and also discloses that the apparatus comprises a database containing information related to the received realtime information. See page 7, lines 1-7.

Regarding claims 8 and 16, Haumont discloses all of the limitations of claims 1 and 10, and also discloses that the realtime information is location area information. See page 5, lines 6-13.

Regarding claims 17 and 21, Haumont discloses a telecommunications system for providing realtime information (network information). The telecommunications system comprises a first network node for monitoring realtime information related to a subscriber associated with a wireless communications device within the telecommunications system, and a B2B engine (providing means/control means) interfaced to the first network node. The B2B engine receives the realtime information

Art Unit: 2681

from the first network node. The first network node provides the realtime information upon an update to the realtime information to the subscriber. See page 2, lines 3-27; page 3, lines 34-38; page 5, lines 6-13; and page 7, lines 20-29.

Regarding claims 18 and 24, Haumont discloses all of the limitations of claims 17 and 21, and also discloses that the system comprises a second network node (HLR) connected to the first network node (GGSN 8), that the second network node monitors the realtime information (reachability) related to the subscriber and provides the information to the first network node, and that the information is forwarded by the first network node to the B2B engine. See page 5, lines 28-36.

Regarding claims 19 and 25, Haumont discloses all of the limitations of claims 17 and 21, and also discloses that the first network node is a HLR. See page 5, lines 28-36. It is inherent that the system also comprises a VLR since it is a GSM system. See page 5, lines 6-13.

Regarding claim 20, Haumont discloses all of the limitations of claim 17, and also discloses that the provided realtime information is sent to a content provider, thereby enabling a content provider service to the subscriber. See page 2, lines 7-12.

Regarding claim 22, Haumont discloses all of the limitations of claim 21, and it is inherent that the first network node comprises a monitoring agent for monitoring the realtime information. See page 5, lines 6-13.

Regarding claim 26, Haumont discloses all of the limitations of claim 21, and also discloses that the first network node comprises monitoring means for monitoring a change in the realtime information of the subscriber associated with the wireless

communications device (e.g., activation of supplementary service, or particular location). See page 3, lines 34-38.

Regarding claim 27, Haumont discloses all of the limitations of claim 26, and also discloses that the realtime information is location area information. See page 3, lines 34-38 and page 5, lines 6-13.

6. Claims 1, 6, 7, 10, 14, and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Ben-Yehezkel et al. (U.S. Patent No. 6,049,711).

Regarding claims 1 and 10, Ben-Yehezkel discloses an apparatus (TMIS 100) for facilitating information exchange between a telecommunications network serving a wireless communications device (subscriber unit 110) and an information service provider (102). The apparatus comprises a receiver that receives realtime information (location information) associated with the wireless communications device from a network node associated with the telecommunications network, and providing means for providing the received realtime information to the information service provider, causing the information service provider to provide a service to a subscriber associated with the wireless communications device. See Abstract; Figure 1; col. 4, lines 49-58; and col. 7, line 13 through col. 8, line 44.

Regarding claim 14, Ben-Yehezkel discloses all of the limitations of claim 10, and it is inherent that the apparatus comprises a database containing information (subscriber unit identification and information service request messages) related to the received realtime information. See col. 8, lines 40-44.

Regarding claims 6, 7, and 15, Ben-Yehezkel discloses all of the limitations of claims 1 and 14, and also discloses that the apparatus comprises updating means for updating the information associated with the received realtime information, and that the updating means comprises validating means for validating an event (information service request) related to the received realtime information, and storing means for storing the validated event in the database. See col. 8, lines 30-44.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al. in view of well known prior art.

Regarding claims 3 and 13, Haumont discloses all of the limitations of claims 1 and 10, but does not disclose that the receiver receives the realtime information at periodic intervals. However, it is a well known practice in the art to receive realtime information (e.g., location information) at periodic intervals, in order to ensure that the information is relatively current. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont, such that the



receiving step comprises receiving the realtime information at periodic intervals, in order to ensure that the information is relatively current.

Regarding claim 23, Haumont discloses all of the limitations of claim 21, and also discloses that the system comprises an interface between the B2B engine (providing means 7) and the first network node (MSC 3, SGSN 6, or GSGN 8). See page 4, lines 33-39. Haumont does not disclose that the interface uses a MAP protocol. However, it is well known in the art that the MAP protocol is a standard protocol commonly used in mobile networks for transmitting signaling information between nodes within a mobile network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Haumont, such that the interface uses a MAP protocol, so that the invention may be used in existing mobile networks without requiring a modification of signaling protocols.

9. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haumont et al. in view of Jokela et al. (WO 99/45732).

Regarding claims 9 and 12, Haumont discloses all of the limitations of claims 1 and 11, and also discloses that the filter permits reception of the filtered realtime information from the wireless communications device. See page 7, lines 1-12. Haumont does not disclose that the wireless communications device is registered to receive data from the information service provider. However, Jokela teaches registering a wireless communications device to receive data from an information service provider. See page 13, lines 10-15. It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Haumont with Jokela, such that the wireless communications device is registered to receive data from the information service provider, in order to prevent fraudulent use of the information service provider's services by user who do not pay for a subscription to the services.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached at (703) 305-4778.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Application/Control Number: 09/755,947  
Art Unit: 2681

Page 10

Ken Moore

JKM

5/13/03

  
ERIKA GARY  
PATENT EXAMINER